OHIO REVISED CODE

§2903.04 Involuntary manslaughter.

(A) No person shall cause the death of another as a proximate result of the offender's committing or attempting to commit a felony.

(B) No person shall cause the death of another as a proximate result of the offender's committing or attempting to commit a misdemeanor of the first, second, third, or fourth degree or a minor misdemeanor.

(C) Whoever violates this section is guilty of involuntary manslaughter. Violation of division (A) of this section is an aggravated felony of the first degree. Violation of division (B) of this section is an aggravated felony of the third degree.

(D)(1) In addition to any penalty imposed upon the offender under division (C) of this section and section 2929.11 of the Revised Code, if an offender is convicted of or pleads guilty to a violation of division (A) or (B) of this section and if the felony or misdemeanor that the offender committed or attempted to commit, that proximately resulted in the death of the other person; and that is the

basis of the offender's violation of division (A) or (B) of this section included, as an element of that felony or misdemeanor offense, the offender's operation or participation in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft while he was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, one of the following apply:

(a) The offender's diver's or commercial driver's license or permit or nonresident operating privilege shall be permanently revoked pursuant to section 4507.16 of the Revised Code;

(b) The offender is not eligible for shock probation, probation, or shock parole pursuant to section 2947.061, 2951.02, or 2967.31 of the Revised Code if any of the following apply relative to the offender:

(i) He previously has been convicted of or pleaded guilty to a violation of division (A) or (B) of this section in which the felony or misdemeanor that he committed or attempted to commit, that proximately resulted in the death of the other person, and that is the basis of the offender's violation of division (A) or (B) of this section included, as an element of that felony or misdemeanor offense, his operation or participation in the operation of a motor

vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft while he was under the influence of alcohol, a drug of abuse;

(ii) He previously has been convicted of or pleaded guilty to a violation of a municipal ordinance that is substantially similar to division (A) or (B) of this section and if the felony or misdemeanor that the offender committed or attempted to commit, that proximately resulted in the death of the other person and that is the basis of the offender's violation of division (A) or (B) of this section included, as an element of that felony or misdemeanor offense, the offender's operation or participation in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft while he was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(iii) He previously has been convicted of or pleaded guilty to a violation of section 1547.11, 2903.06, 2903.07, 2903.08, 4511.19, or 4511.192 of the Revised Code, division (B) or (D) of section 4507.02 of the Revised Code, section 4507.38 or 4507.39 of the Revised Code as those sections existed prior to September 24, 1986, a municipal ordinance that is substantially similar to section 2903.06, 2903.07, 2903.08, 4511.19, or 4511.192 of the Revised Code, or a municipal ordinance that is substantially similar

to section 4507.38 or 4507.39 of the Revised Code as those sections existed prior to September 24, 1986;

(iv) He has accumulated twelve points pursuant to section 4507.021 of the Revised Code within one year of the offense;

(v) He was driving under suspension at the time he committed the offense.

(2) In determining, for the purposes of division (D)(1) of this section, whether an offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug abuse at the time of the commission of his violation of division (A) or (B) of this section, the trier of fact may consider as competent evidence the concentration of alcohol in the offender's blood, breath, or urine as shown by a chemical test taken pursuant to section 1547.111 or 4511.191 of the Revised Code may be considered as competent evidence and the offender shall be presumed to have been under the influence of alcohol if there was at the time the bodily substance was withdrawn for the chemical test a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his breath, or fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his urine.

(1994 H 236, eff. 9-29-94; 1993 S 62, § 4, eff. 9-1-93; 1992 S 275; 1982 H 269, § 4, S 199; 1972 H 511).

§2903.06 Aggravated vehicular homicide; effects upon penalties; repeat offenders.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall negligently cause the death of another.

(B) Whoever violates this section is guilty of vehicular homicide, a misdemeanor of the first degree. If the offender previously has been convicted of an offense under this section, section 2903.07 or 2903.08 of the Revised Code, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, vehicular homicide is a felony of the fourth degree.

If the jury or judge as trier of fact finds that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of the commission of the offense, then the offender's diver's or commercial driver's license or permit or nonresident operating privileges shall be permanently revoked pursuant to section 4507.16 of the Revised Code.

When the trier of fact determines whether the offender was under the influence of alcohol, a drug of

abuse, or alcohol and a drug abuse, the concentration of alcohol in the offender's blood, breath, or urine as shown by a chemical test taken pursuant to section 1547.111 or 4511.191 of the Revised Code may be considered as competent evidence and the offender shall be presumed to have been under the influence of alcohol if there was at the time the bodily substance was withdrawn for the chemical test a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his breath, or fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his urine.

(C) If the offender previously has been convicted of or pleaded guilty to a violation of this section, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 1547.11, 2903.07, 2903.08, 4511.19, or 4511.192 of the Revised Code, division (B) or (D) of section 4507.02 of the Revised Code, section 4507.38 or 4507.39 of the Revised Code as those sections existed prior to September 24, 1986, a municipal ordinance that is substantially similar to this section, section 2903.07, 2903.08, 4511.19, or 4511.192 of the Revised Code, a municipal ordinance that is substantially similar to section 4507.38 or 4507.39 of the Revised Code as those sections existed prior to September 24, 1986, or a municipal ordinance that is substantially similar to section 2903.04 of

the Revised Code in a case in which the offender would have been subject to the sanctions described in division (D) of that section had he been convicted of a violation of that section, if the offender has accumulated twelve points pursuant to section 4507.021 of the Revised Code within one year of the offense, or if in the commission of the offense the offender was driving under suspension or operating a motor vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, he shall not be eligible for shock probation, probation, or shock parole pursuant to section 2947.061, 2951.02 or 2967.31 of the Revised Code.

(1993 S 62, § 4, eff. 9-1-93; 1992 S 275; 1990 S 131; 1989 H 381; 1986 S 262, H 428, S 356, H 265; 1982 S 432; 1973 H 716; 1972 H 511).

§2903.07 Vehicular homicide; effects upon penalties of being under influence of alcohol or drug of abuse; repeat offenders.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall negligently cause the death of another.

(B) Whoever violates this section is guilty of vehicular homicide, a misdemeanor of the first degree. If the offender previously has been convicted of an offense under this section, section 2903.06 or 2903.08 of the Revised Code, or section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, vehicular homicide is a felony of the fourth degree.

If the jury or judge as trier of fact finds that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of the commission of the offense, then the offender's diver's or commercial driver's license or permit or nonresident operating privileges shall be permanently revoked pursuant to section 4507.16 of the Revised Code.

When the trier of fact determines whether the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug abuse, the concentration of alcohol in the offender's blood, breath, or urine as shown by a chemical test taken pursuant to section 1547.111 or 4511.191 of the Revised Code may be considered as competent evidence and the offender shall be presumed to have been under the influence of alcohol if there was at the time the bodily substance was withdrawn for the chemical test a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his breath, or fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his urine.

(C) If the offender previously has been convicted of or pleaded guilty to a violation of this section, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 1547.11, 2903.06, 2903.08, 4511.19, or 4511.192 of the Revised Code, division (B) or (D) of section 4507.02 of the Revised Code, section 4507.38 or 4507.39 of the Revised Code as those sections existed prior to September 24, 1986, a municipal ordinance that is substantially similar to this section, section 2903.08, 4511.19, or 4511.192 of the Revised Code, a municipal ordinance that is substantially similar to section 4507.38 or 4507.39 of the Revised Code as those sections existed prior

to September 24, 1986, or a municipal ordinance that is substantially similar to section 2903.04 of the Revised Code in a case in which the offender would have been subject to the sanctions described in division (D) of that section had he been convicted of a violation of that section, if the offender has accumulated twelve points pursuant to section 4507.021 of the Revised Code within one year of the offense, or if in the commission of the offense the offender was driving under suspension or operating a motor vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, he shall not be eligible for shock probation, probation, or shock parole pursuant to section 2947.061, 2951.02 or 2967.31 of the Revised Code.

(1993 S 62, § 4, eff. 9-1-93; 1992 S 275; 1990 S 131; 1989 H 381; 1986 S 262, H 428, S 356, H 265; 1982 S 432; 1973 H 716; 1972 H 511).